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County bars Oswald exam from facilities

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The Dallas County Commissioners Court has forbidden the use of county facilities in any examination of the body of Lee Harvey Oswald, and implied that the county medical examiner should not be involved in the proposed exhumation.

In a series of discussions with medical examiner Dr. Charles Petty and a letter written last week, the commissioners said any involvement in the exhumation of the alleged assassin of President John F. Kennedy would have "adverse effects" on the county.

The commissioners' action adds another complication to the attempt of British author Michael Eddowes to open the grave to determine if the body is that of Oswald.

The British author in his book, "The Oswald File," said results of the 1963 autopsy performed by the Dallas County Medical Examiner's Office were at odds with Oswald's medical records.

Petty and others have been sued by Robert Oswald, Lee Harvey's brother, to prevent opening the grave.

Petty Wednesday won a legal round when Judge James E. Wright ruled that Petty has the right to be sued in the county of his residence — Dallas County — instead of Tarrant County.

Wright listened to 45 minutes of testimony and then ruled four hours later that the case against Petty will be dropped in Tarrant County. Robert Oswald's attorney said the same suit will be filed against Petty in Dallas County.

The judgment, in effect, creates a situation in which the same case will be tried in two counties, said Kenneth Campbell, attorney for Robert Oswald.

"This case could go on for quite some time. But that's the intent — keep it in the headlines, try to wear out Robert Oswald," Campbell said.

On Friday, Judge Wright will hear testimony on Robert Oswald's request for a temporary injunction against Eddowes and Rose Hill Cemetery, where Oswald is buried, to prevent the exhumation. If that is granted, then plans begin for a trial on a full

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injunction. The same process is expected to begin in Dallas County.

If the courts in Dallas and Tarrant counties rule differently, that, too, may force the issue into the courts even longer.

Petty did not appear at the hearing because his subpoena had not been served. He declined to comment on his discussions with the county commissioners.

Commissioner Jim Jackson said the commissioners talked to Petty last week about the medical examiner's involvement in the Oswald exhumation.

"We told him if there was a reasonable doubt about whom was buried there, it should be done. But if it was a private matter between him and the family and not a matter of public necessity, we did not want him to do it," Jackson said.

Jackson said Petty responded by saying it was a private matter, but the commissioners were making a political mistake and might be accused of a "coverup."

Petty told the commissioners, and has told other colleagues, that he is convinced the body is Oswald's, but if the body is to be exhumed, it should be done by a qualified pathologist in a well-equipped setting.

"I don't think we've got any standing in this case. If it's a private matter, it's like paving someone's driveway (with county equipment)," Jackson said.

The attempt to exhume the body in Oswald's grave has been brewing since October 1979, when Petty agreed to order exhumation because of questions raised by Eddowes. Later he changed his mind because of possible legal complications, mainly that his office could be held responsible by any members of the family who objected.

Eddowes then filed a lawsuit in Tarrant County, attempting to force the exhumation. That attempt was rejected by a district court and the State Court of Civil Appeals.

After the rejection by the appellate court on May 15, Jerry Pittman, one of Eddowes' attorneys, repeatedly tried to convince Marina Oswald Porter, Lee Harvey Oswald's widow, to request the exhumation, believing her permission would be sufficient in the absence of objections from other family members.

Mrs. Porter gave her permission Aug. 8, saying she believed the body is that of Lee Harvey Oswald, but she wanted to end all speculation.

When brother Robert Oswald found out about the exhumation, he rushed to Dallas and received a temporary restraining order on Aug. 15. Oswald maintains that he paid for the funeral and the cemetery plot and should have a say in what happens to the body.

He testified in court Wednesday that he paid $710 for the funeral and $135 for three plots at Rose Hill Cemetery, one of which was used as a burial site for Lee Harvey Oswald.

Robert Oswald, who chewed gum during testimony until Judge Wright gave him a tissue to dispose of it, said he objected "very strongly" to the exhumation.

Eddowes, in his book, theorized that Oswald, while in the Soviet Union, switched identities with a Soviet spy.

He wants to exhume the body to compare dental X-rays, the height of the body and scars from a childhood operation.

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